

The denial of an application for an exemption shall be subject to an appeal process. Within five (5) days of written notice of being denied, the applicant may fax, mail or hand-deliver its appeal of the action to the City Manager or his designee. The City Manager or his designee shall hear the appeal within five (5) business days of receipt of the appeal notice excluding city recognized holidays and weekends. The appeal shall be heard and decided under the procedures as set forth herein.

The issue of business accountability for incident occurrence under Sec. 14-106 (3) or (4) shall be subject to an appeal process. Within five (5) days of written notice of an incident occurrence; required compliance with either of the aforesaid sections or loss of exemption/revocation of the permit, the permittee may fax, mail or hand deliver its appeal of the action to the City Manager or his designee. The City Manager or his designee shall hear the appeal within five (5) business days of receipt of the appeal notice excluding city recognized holidays and weekends. The appeal shall be heard and decided under the procedures as set forth herein.

An applicant or permittee may appeal the denial of an application for an exemption; notice of an incident occurrence under Sec. 14-106 (3) or (4); required compliance with Sec. 14-106 (3) or (4) or loss of exemption/revocation of a permit. The filing of an appeal shall stay the matter until such time as the matter is heard and decided by the City Manager or his designee.

**Failure to timely appeal constitutes a waiver of the right to appeal.**

The appeal shall include a contact number, either phone or facsimile, in order for the applicant or permittee to be informed of the hearing location, date and time.

The decision of the City Manager or his designee is final and shall be delivered orally to the applicant or permittee on the date of the hearing

and then, if requested, written and mailed to an address provided by the applicant or permittee.

By way of the contact numbers provided in the written appeal, the City Manager or his designee shall orally advise the applicant or permittee of the location, date and time of the hearing. Notice of the hearing must be provided at least two business days prior to the hearing, excluding city recognized holidays and weekends.

The hearing shall not be conducted under the strict rules of evidence. The hearing shall be informally conducted by the City Manager or his designee. Police officers, fire marshals, license inspectors and/or code enforcement officers, as may be appropriate, shall present the facts and circumstances that resulted in a denial of an application or resulted in a conclusion that an incident under Sec. 14-106 (3) or (4) occurred; that compliance under Sec. 14-106 (3) or (4) is required or the permit should be revoked resulting in a loss of the exemption.

The applicant or permittee or their attorney shall be given the opportunity to present evidence to the City Manager or his designee in the course of the hearing, and shall have the right of cross examination of those testifying.

CITY OF COLUMBIA

BY: \_\_\_\_\_

Steven A. Gantt

ITS: City Manager